

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

FILED BY 8 D.C.  
05 OCT 11 AM 8:49

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TN, JACKSON

MORRIS PEPPER, JR.,

Petitioner,

VS.

GLEN TURNER,

Respondent.

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No. 05-1180-T/An

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ORDER TRANSFERRING CASE PURSUANT TO 28 U.S.C. § 2241(d)

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Petitioner Morris Pepper, Jr., Tennessee Department of Correction prisoner number 31568, an inmate at the Hardeman County Correctional Facility in Whiteville, Tennessee, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on July 1, 2005, along with an application seeking leave to proceed *in forma pauperis*. The Court issued an order on July 18, 2005 denying leave to proceed *in forma pauperis* and directing the petitioner to pay the habeas filing fee within thirty days. Petitioner paid the habeas filing fee on August 9, 2005.

Twenty-eight U.S.C. § 2241(d) provides:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have

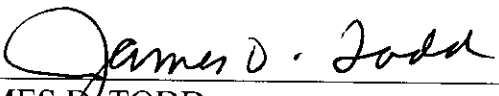
concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

It is the practice of the federal district courts in Tennessee that all § 2254 petitions are to be heard in the district in which the conviction was obtained.

In this petition, Pepper is challenging a conviction and sentence that were obtained in the Lincoln County Circuit Court. Lincoln County is in the Winchester Division of the Eastern District of Tennessee. 28 U.S.C. § 123(a)(4).

Therefore, it is hereby ORDERED, pursuant to 28 U.S.C. § 1406(a) that this case is hereby TRANSFERRED to the Eastern District of Tennessee, Winchester Division.

IT IS SO ORDERED this 7<sup>th</sup> day of October, 2005.

  
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JAMES D. TODD  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 1:05-CV-01180 was distributed by fax, mail, or direct printing on October 12, 2005 to the parties listed.

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315658  
PO Box 549  
Whiteville, TN 38075

Honorable James Todd  
US DISTRICT COURT